

REMARKS

Claims 1-26 are currently pending. Reconsideration and allowance of the pending claims are respectfully requested in light of the foregoing amendments and following remarks.

Rejections Under 35 U.S.C. § 101

Claims 1-18 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Examiner has taken the position that, with regard to each of claim sets 1-9 and 10-18, the claimed process is not "tied to a particular machine or apparatus." In response, Applicants have amended the claims such that the claimed processes are now tied to a particular machine; i.e., a computer. Accordingly, Applicants respectfully request that the subject rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-5, 7, 10-14, 16 and 19-23 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lu et al., "B2B in TSMC Turnkey Services" (hereinafter "Lu"). As noted by the Examiner in numbered paragraph 1 of the Office action, the grounds for rejection and arguments in support thereof presented in the current Office action are identical to those presented in the Office action mailed January 7, 2010. Moreover, the "Response to Arguments" section presented on pages 11-12 herein is not directed to the arguments raised by Applicants in the response to the Office action mailed January 7, 2010; rather, the "Response to Arguments" is directed to arguments that were presented in a response filed by Applicants prior to the January 7, 2010, Office action. The arguments presented by Applicants in the response to the Office action mailed January 7, 2010, remain unaddressed. Therefore, although the following arguments have been previously submitted, the Examiner has not addressed them; therefore, they are resubmitted herein for consideration by the Examiner. In this regard, Applicants submit that the cited reference fails to anticipate subject claims for at least the following reasons.

In particular, claim 1, as amended, requires *inter alia*:

selecting at least one of a plurality of input files;

selecting an output file format from a plurality of output file formats;

selecting a mode for circulation from a plurality of modes for circulation; . . . and

circulating the output file to at least one recipient entity using the selected mode for circulation.

The Examiner cites the third paragraph on the left column of page 41 and the fifth paragraph on the right column of page 41 as disclosing "selecting at least one of a plurality of input files." Those paragraphs are reproduced below for ease of reference:

At first, the target was providing the integrated WIP, including WIP in FAB, circuit probing (CP), assembly and final test, yield data and ship alerts to customers. In this period, it produced some kinds of data to ask the subcontractors to provide. These data included electronic purchase orders (e-PO), the confirmed shipping dates from subcontractors (SOD), the lots in the subcontractors' factories (WIP), the transaction of entering inventory (named INSLIP), the lots in subcontractors' finished goods (named FG Bank) and the shipping information (named SHIPOUT). . . .

After developing the phase I and phase II, there is now a proper B2B architecture. But there is still something missing before the system becomes a real B2B system. What is the real B2B system? it must integrate the information, material and cash flows. After phase II was released, it didn't integrate the cash flow into the system. It used the work order and the INSLIP data to make payments automatically. And at the same time, it didn't provide proper data for CRM, SCM and ERP. For these 2 reasons, there are 2 modifications to the system design.

As has been previously noted, the cited text reproduced above teaches, at best, entry of INSLIP data (i.e., data entry), which is clearly not equivalent to selecting at least one of a plurality of input files. In particular, no selecting of any sort of file is taught, much less selection of one of a plurality of input files as recited in claim 1.

In section 8.b. of the "Response to Arguments" portion of the Office action, the Examiner states that "selecting . . . from a plurality of . . ." is not different from 'choosing at least one' unless it is more specific about what is chosen from." The Examiner continues by stating that Lu's teaching of "asking some data to provide [sic] . . . seems to allow selecting from different inputs" (emphasis added). Applicants respectfully disagree. Clearly, the Examiner cannot state unequivocally that Lu discloses "selecting at least one of a plurality of input files" as recited in claim 1; rather, the Examiner states that Lu's teaching of what amounts to allowing a user to input data "seems to" be the same as allowing selection from different inputs. Rejections of claims must be unequivocal (*see* MPEP 706.02 and 707.07(d)). As one of ordinary skill in the art would no doubt recognize, there is a marked difference between enabling a user to enter data into a system and enabling a user to select an input file from a plurality of input files.

The Examiner cites the final paragraph on page 43 through the first paragraph on page 44 as disclosing "selecting an output file format from a plurality of output file formats." That paragraph is reproduced below for ease of reference:

Originally, subcontractor will inform TSMC when the lot was finished though e-mail, phone or FAX. After getting the information, TSMC could send a shipping instruction to subcontractors and a shipping alert to customers through FAX. The new system changes

the flow of shipment. When subcontractors complete the lot, they will send an INSLIP transaction to TSMC. After receiving the INSLIP transaction, the system will processes some checks to make sure the good is ready for shipping automatically. If the lot is ready, then the system will send a shipping instruction through a XLM format to the subcontractors and a shipping alert to the customer through e-mail. The new flow could reduce by at least 2 days the time from lot finish to shipment, auto issues shipping instructions instead of FAX and auto issue sipping alerts to Customer instead of FAX.

As has been previously noted, the cited text, reproduced above, teaches sending data in a single predetermined format (i.e., XML format); it clearly fails to teach selection of an output file format from a plurality of available formats. Even assuming *arguendo* that the cited text teaches the existence of multiple output file formats, it still fails to teach allowing a user to select from among those formats; rather, the format of the output file of Lu is not described by Lu as being configurable or selectable.

The same paragraph is cited as teaching "selecting a mode for circulation from a plurality of modes for circulation . . . and circulating the output file . . . using the selected mode for circulation." Once again, the cited text teaches only a single mode for circulation (i.e., e-mail); it clearly fails to teach selection of a mode from a plurality of modes and then circulating the output file using the selected mode, as recited in claim 1.

In summary, the system of Lu circulates data in a predetermined, fixed, and non-selectable output file format via a predetermined, fixed, and non-selectable mode of communication. Clearly, such a system is not anticipatory of the system clearly recited in claim 1. In view of the foregoing, it is apparent that Lu fails to anticipate claim 1 and the subject rejection should therefore be withdrawn. Independent claims 10 and 19 include limitations similar to those of claim 1 in this regard and is therefore also deemed to be allowable over Lu. Claims 2-5, 7, 11-14, 16, and 20-23 depend from and further limit claims 1, 10, and 19, respectively, and are therefore also deemed to be in condition for allowance for at least that reason.

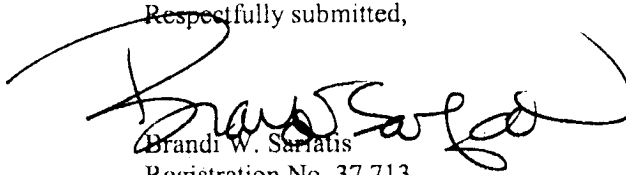
Rejections Under 35 U.S.C. § 103

Claims 6, 8-9, 15, 17-18, and 24-26 stand rejected under 35 U.S.C. §103 as being unpatentable over Lu in view of U.S. Patent No. 6,363,414 to Nicholls et al. (hereinafter "Nicholls"). In response, Applicants submit that, in view of the fact that claims 6, 8-9, 15, 17-18, and 24-26 depend from and further limit independent claims 1, 10, and 19, the claims are deemed to be in condition for allowance for at least that reason.

Conclusion

For at least the reasons set forth in detail above, all of the pending claims are now deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the Examiner withdraw the pending rejections and issue a formal notice of allowance.

Respectfully submitted,


Brandi W. Sarantis
Registration No. 37,713


Date: 10/4/10

HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Telephone: 214/651-5896
Facsimile: 214-200-0853

D-1889903_1.DOC

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the U.S. Patent and Trademark Office via EFS-Web System on 10-4-10


Name